

Major Changes to the Task Force Report Since the April 24 Task Force Meeting Prepared for the June 2 Task Force Meeting

Introduction and Description of the Task Force Process and Deliberations

1. New text (p. 3) added on what is meant by low-to-moderate.
2. Guiding principles (abbreviated version) inserted in the Introduction
3. Shortened introductory sections by removing summaries of information gathering efforts
4. Created a new section (Section 4, p. 9-11) describing the TF's evaluation of the health risks and the Task Force's guiding principles for making recommendations (moved from later in the document).
5. Added guiding principles: balanced approach and focus on controlling exposure
6. Editorial changes suggested by Task Force members to more accurately describe the process and topics of Task Force discussions.

Nature and Extent

7. Added text box requested at the April Task Force meeting to characterize what is meant by "low-to-moderate."
8. Added text characterizing downward movement of arsenic in soil and suggesting further evaluation.
9. Added text to describe the flowchart for individual property evaluations and revised the flowchart to include a question about whether the property is within a smelter plume, as suggested by focus group participants.
10. Improved the readability of the maps (size, color, titles, disclaimers, etc.) based on TF comments at the 4/24 TF meeting.
11. Revised tier 2, type 1 lead arsenate map of Yakima County to change the elevation cut off from 2,500 to 2,000 feet.
12. Refined text describing recommendations for updating maps over time to reference the data confidentiality recommendations for residential sampling and to address concern that the recommendations not be interpreted to support Ecology-led sampling efforts on private property.
13. Moved recommendation on additional research about roadside lead contamination to the "additional information" section and removed "the Task Force is troubled by" language.

Range of Protection Measures Considered and Evaluation of Protection Measures

14. Shortened the description of the evaluation of protection measures, added a description of how the summary table of the rankings was developed, and revised some of the summary rankings to more accurately reflect the evaluations of individual protection measures.

Broad-Based Education

15. Editorial changes suggested by Task Force members, including new introductory text justifying the education recommendations that is focused on positive aspects of an education program, rather than negative aspects of other approaches, as discussed at the April Task Force meeting.

16. Added guidance on locating sources of soil for garden beds and play areas to the toolbox.
17. Added a text box explaining the meaning of good soil cover.
18. Added text to the recommendation for monitoring and evaluation of education efforts to incorporate information about ongoing evaluations in King and Pierce Counties.

Child Use Areas

19. Added a new text box describing current approaches at child-use areas as an example of how state and local agencies have collaborated to address area-wide soil contamination. (Removed the text box on what happens if local jurisdictions do not implement Task Force recommendations.)
20. Expanded the description of recommendations for targeted outreach to childcare providers.
21. Simplified and clarified the recommendations for childcare certification (based on IFF and TF discussions):
 - Converted 3-tier certification to a 3-step process that culminates in opportunity to self-certify.
 - Added the goals of the certification and a description of DSHS' role, including that DSHS could integrate outreach about certification into its ongoing outreach for licensing.
 - Acknowledged the differences between childcare centers and family homes and that the Agencies should consider and provide support for childcare providers that do not have the financial resources to implement the TF recommendations.

Residential Areas

22. Refined recommendations on confidentiality of sampling results and related text on mapping efforts (N&E and MTCA sections) to clarify that the Agencies should not associate residential sampling data with written information identifying property locations (reporting by section, township, and range is OK, but not address or name), unless (a) residents request otherwise, (b) a No Further Action letter is requested, or (c) very high levels of arsenic and lead are found (i.e., not "area-wide" contamination).

Commercial Areas

23. Noted that property owners and developers of mixed-use developments in commercial areas (e.g., a childcare center within a commercial strip mall) should follow the TF recommendations for the residential or child-use area scenario, where there is the potential for exposure of children or adults who garden or frequently work in soil.

Open Land (formerly called "Vacant Land")

24. Used the term "open land" instead of "vacant land".
25. Clarified that fallow agricultural land is not considered open land, based on the April Task Force meeting discussion.
26. Added bullets summarizing the recommendations and reorganized the text in the open land being developed section for clarity.
27. Incorporated a recommendation for the use of qualitative property evaluations to determine whether area-wide soil contamination is likely (e.g., by using the flowchart and maps) before testing soils and implementing other protection measures during construction, based on the 5/28 TF discussion.

28. Added textbox recommending that Ecology should consider establishing more specific protocols and guidelines for addressing area-wide soil contamination during new development (i.e., sampling and protective measures), as suggested in public comments. Acknowledged both the desire for providing predictability to developers, land use officials, and property owners and the difficulties associated with developing highly specific guidelines.
29. Added text recommending that off-site movement of contaminated soils, through erosion and storm water runoff as well as dust, be controlled during construction, consistent with State and local regulations, based on the April Task Force meeting discussion.

Ecological Risks

30. Clarified that different plant and animal species have different sensitivities to soil arsenic and lead, as suggested by Frank Peryea.
31. Documented the range of views on the Task Force on the priority for evaluating ecological impacts and determine whether there are circumstances where measures beyond the TF recommendations are needed, based on written comments from TF members and the 5/28 discussion.

Real Estate Disclosure

32. Developed draft text based on the recommendations in Steve Kelley's report to the Washington Association of Realtors, as discussed at the April TF meeting.

Application of MTCA

MTCA Text being revised by MTCA subgroup in an effort to reach consensus on the conditions attached to enforcement forbearance and on self-certification.

Recommendations for Additional Information Needed

33. Moved recommendation on research about roadside lead from the N&E section, as noted above.

Funding Recommendations

34. Refined and completed the cost estimates to make the range of potential costs more visible and make other easy corrections based on the last Task Force meeting and the IFF subgroup call on 5/19. (New cost estimates since the 4/24 Task Force meeting include estimates for activities on open land, assistance with sampling and selection of protection measures, land-use permitting reviews, policy development, and research on ecological risks.)
35. Added disclaimers about the accuracy of the cost estimates, noting that actual costs may be higher or lower than the estimates, as suggested at the April Task Force meeting and by Jim Hazen.
36. Added guiding principles for the funding recommendations: minimize costs by integrating with existing processes, provide support for actions of residents, avoid establishing unfunded mandates for local government, allocate resources fairly, and responsible parties should help pay
37. Refined language on the potential for PLP funding for responses at properties affected by area-wide soil contamination to clarify that the Task Force is not suggesting changes to the current liability structure under MTCA, as requested at the April TF meeting.

38. Modified the recommendation that the Agencies work with OSPI to leverage funds for new school construction to address area-wide soil contamination by acknowledging OSPI's existing efforts to identify and address contamination during school construction. Documented the range of views among TF members about whether to make this recommendation.